

## **MINUTES**

### **NATURAL RESOURCES COMMISSION**

**MAY 10, 2007**

**DIAGNOSTIC CENTER FOR POPULATION & ANIMAL HEALTH  
5125 BEAUMONT ROAD  
LANSING**

#### **PRESENT FOR THE COMMISSION**

Keith Charters, Chair  
Mary Brown  
Hurley Coleman, Jr.  
Darnell Earley  
John Madigan  
J. R. Richardson  
Frank Wheatlake

#### **PRESENT FOR STAFF**

Jim Riley, Legal Counsel  
Rebecca Humphries, Director  
Dennis Fedewa, Chief Deputy  
Mindy Koch, Resource Management Deputy  
James Ekdahl, UP Field Deputy  
Teresa Gloden, Assistant to the NRC  
Other DNR Staff

### **COMMITTEE OF THE WHOLE**

**Chairman Charters** called the Committee of the Whole meeting of the Natural Resources Commission (NRC) to order at 3:00 p.m. The Committee of the Whole meeting is a working session of the NRC.

#### **DIRECTOR'S REPORTS**

##### **State Forest Pathways and Campgrounds, and State Wildlife Campgrounds Designations – and – Proposed State Forest Campground Fee Schedule Increases**

**Jim Radabaugh, Forest, Mineral and Fire Management Division (FMFM)**, reported that the DNR has developed a system of trails within the state forest boundaries that serve specific recreational purposes that include motorized trails for snowmobile and off-road vehicle (ORV) use, multipurpose rail-trails for snowmobile, cross-country skiing, hiking, biking and horseback riding use, and non-motorized pathways that are intended for hiking, biking, skiing and horseback riding use. With motorized recreation activity use increasing, encroachment of these vehicles onto non-motorized pathways is becoming a problem and law enforcement officers are unable to legally restrict this use from undesignated pathways. Therefore, clarification of these designations needs to occur since the last update was in 1997. Since that time, the DNR has reorganized, state

forest campgrounds have been added or closed and one has been transferred to a local government.

**Mr. Radabaugh** stated that the FMFM faces both long and short-term financing shortfalls with their Forest Recreation Program. In order to generate enough revenue to support operating costs in the short-term, camping fees will have to be increased before the 2007 summer season. The last time state forest camping fees were increased were in 2001 to the current rate of \$10.00 per site, per night. There is no fee for dispersed camping on state forest land. If approved by Director Humphries later in the meeting, state forest camping fees will increase from \$10.00 to \$15.00 per campsite, per night for all designated site campgrounds, with the exception of equestrian, ORV, and semi-modern campgrounds. These campgrounds will be increased from \$10.00 to \$20.00 per campsite, per night. Designated group campground rates will be increased from \$3.00 to \$6.00 per person, per night and the cabin fees at Presque Isle and Lime Island will be raised from \$35.00 and \$45.00 respectively, to \$65.00 per night for both. Senior rates at campgrounds and weekly rates for cabins will be eliminated. There will be no fee for dispersed camping on state forest land. Little or no resistance has been received on this proposal.

#### **Land Transactions - Discussion**

**Commissioner Brown** noted that the selling price for the Bois Blanc Island, Gaylord Management Unit – Mackinac County, Land Transaction Case #20050267, appeared low. Though the deed deems the property as non-development, she wondered how long the township will keep it in non-development status.

**Commissioner Madigan** said that Land Transaction Case #20070018, the DeJonge Tract, is a good acquisition.

**Commissioner Madigan** requested a brief update on Gaylord to Cheboygan Trail trespass over the past winter. **Mindy Koch** said the trail was cleared of any trespass items prior to the snowmobile season and snowmobiling did occur. Some speed and after-hour usage complaints were received. However, very few complaints were received.

#### **State Senate Conservationist of the Year – Keith Charters**

**Director Humphries** announced that **Chairman Keith Charters** recently received the first Conservationist of the Year Award from the Michigan Senate during Conservation Week. The plaque states: "This plaque commemorates the tireless work of those who have been advocates for the conservation of Michigan's natural resources. Their enduring commitment provides leadership and direction for those who will follow their path in keeping Michigan a healthy place to live, work and recreate."

The Michigan United Conservation Clubs (MUCC) also was recognized for 70 years of conservation.

**Jason Dinsmore, MUCC**, recognized the following DNR employees who received recognition for their exemplary services on May 1, 2007 during the MUCC 70<sup>th</sup> Anniversary celebration:

Kelly Ross, Conservation Officer of the Year  
Tim Cwalinski, Conservationist of the Year – Fisheries  
Paul Seelbach, Conservationists of the Year - Water

**Mr. Dinsmore** congratulated **Chairman Charters** for receiving the Senate Conservation of the Year Award.

**Chairman Charters** congratulated MUCC on its recognition from the Senate and said he appreciates the two organizations working together to protect the state's precious resources.

### **Budget Issues**

**Dennis Fedewa, Chief Deputy**, said there are three overriding issues surrounding the current state of the budget:

1. What has been done to date, and what will happen by June 1 if no action is taken by the Legislature?
2. In the current fiscal year, there are significant cash flow issues. Though the DNR is primarily funded with restricted funds, why does the current budget deficit concern the DNR?
3. Future budget issues past this fiscal year.

**Mr. Fedewa** said that one of the confusing issues to understand during the budget process is that the Legislature is discussing and addressing the current fiscal year budget issues and the future fiscal year budgets all at the same time. He distributed a list of Executive Directives that have been issued relative to fiscal austerity and said that the state departments are awaiting clarification and direction on many of them. Hopefully a decision will be made by June 1 relative to the budget. Discussion ensued.

### **Fire Season Update**

**Scott Heather, FMFM**, presented a fire season update. The DNR has taken suppression action on 129 wildfires burning 652 acres this year so far, compared to 245 burning 875.1 acres at the same time last year. Although it is extra work to protect structures, the Division is tracking structures now.

It appeared that this spring would be a heavy fire spring. However, the late snow and rains received recently have lowered the chances in the Lower Peninsula. The Upper Peninsula is dry due to less precipitation recently.

Relative to staffing, a minimal acceptable number of fire officers is 100. Currently there are 81. This forces other personnel to fight fires when needed, taking employees away from activities like timber cutting. In the 2006 fire season, 25 spring fire-fighters were hired. This year only 15 were hired. He noted that the Michigan Conservation Officers have played a very important role this year in fighting fires. The forecast for the remainder of the year predicts normal rainfall, meaning the potential for increased fire activity from mid-summer through the fall.

**Mr. Heather** reported that the new burning permit program provides a “real time” ability to issue burn permits. The new system is two-tiered where an individual can call an 800 number to get their permits or there is someone on-line 24 hours a day, seven days a week. This will enable firefighters to react more quickly in the event of a fire.

**Project Go/Free Fishing Weekend.**

**Ron Olson, Chief, Parks and Recreation Division**, distributed a list of “Project Go” upcoming events. He noted that all were posted on the DNR web site at:  
[www.michigan.gov/dnr](http://www.michigan.gov/dnr) .

**Gary Whelan, Fisheries Division**, reported that Michigan’s Free Fishing Weekend is scheduled for June 9 and 10 and those 58 events are scheduled at state parks, recreation areas, and harbors during that time.

**Chairman Charters** commended DNR staff for their efforts in coordinating these events throughout the state, considering staff and money is short.

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The Committee of the Whole meeting adjourned at 4:15 p.m. and the Public Appearances portion of the meeting convened at 4:30 p.m.

**PUBLIC APPEARANCES**

Richard Bauer, Howell  
Terry Broome, Ovid  
Jeffrey DeJager, Cedar Springs  
Jason Dinsmore, MUCC  
Mel Drummond, Morrice  
George Gardner, Southgate  
Tom Goniea, Lansing  
Dean Hall, Eastpointe, Royal Oak Archers  
Phil Harrison, Cedar Springs  
Terry Henry, Lyons  
Millard Holton  
Jerry Keck  
Tim Kline, Ted Nugent United Sportsmen  
Ron Koscielski, Michigan Bow Hunters  
Ron LaCaire, Pottersville  
Jim Larson, Michigan Traditional Bowhunters  
Steve Lawrence, Northville  
Bruce Levey, Michigan Bow Hunters  
Ashley McKellar, Algoma Traditional Archers  
Tim Minne, Flushing  
Ellen Nitz, Citizens for a Quiet Community  
John Sullivan, Afton  
Al Trainer, Michigan Bow Hunters  
Basil Walker, Eaton Rapids  
Jenness Wiegand, Citizens for a Quiet Community

**Jerry Keck** opposed the proposal to allow hunters 65 or older to automatically receive a crossbow permit if they apply for one. He does not oppose allowing those who are disabled to receive a permit, however.

**Mr. Keck** supported reducing the senior license fee discount.

**Terry Henry, Lyons**, opposes lowering the requirement for crossbow permits and allowing senior citizens to use crossbows during archery season. He reviewed his difficulties with getting a modified bow permit. He does meet the crossbow permit criteria, but does not want to pursue it.

**Millard Holton** supports the proposed crossbow permit regulations which include lowering the disability percentage, and making those 65 and older automatically qualified. **Mr. Holton** said he bow hunted for over 40 years. After having an accident that restricts him from pulling a bow, he considers using a crossbow his only opportunity to hunt during the bow season.

**Steve Lawrence, Northville**, said through rehabilitation, he is able to use a bow again. Had he not been rehabilitated, he would not have used a crossbow during bow hunting season. He supported allowing a physician to determine disability and authorize crossbow permits.

**Bruce Levey, Michigan Bow Hunters**, said the criteria for obtaining a crossbow permit were meant to be tough. He requested that an ad hoc committee to address crossbows be convened.

**Al Trainer, Michigan Bow Hunters, Ontonagon**, opposed automatically permitting those 65 or older to use a crossbow.

#### **SAFARI CLUB INTERNATIONAL (SCI) – 2007 BIOLOGIST OF THE YEAR AWARD PRESENTATION**

Representatives of the Michigan Involvement Committee of Safari Club International presented an award to the Biologist of the Year.

Safari Club International has provided supplemental funding and support to many Wildlife Division programs. Its support of research on moose, bear, bobcat, wolves, and deer has been instrumental in advancing our understanding of wildlife so that wildlife management is firmly grounded in scientific information.

**Chairman Charters** personally thanked the Michigan Chapters of Safari Club International for its support of the Wildlife Division's programs. He introduced Mr. Bob Taylor, chairman of the SCI Michigan Involvement Committee, who presented the SCI Biologist of the Year Award to Brian Mastenbrook of the Wildlife Division.

Mr. Mastenbrook has been with the Wildlife Division for 16 years and is currently the senior wildlife habitat biologist in Gaylord. He is responsible for the co-management of the Pigeon River and Gaylord Forest Management Units including over 400,000 acres of state forest land. He has a leadership role in the management of Michigan's elk herd,

implementing habitat plans, running the elk hunt and conducting population surveys, among many other responsibilities.

**PARTNERS IN CONSERVATION AWARD PRESENTATION – FLINT RIVER  
WATERSHED COUNCIL COALITION AND ROTARY CLUB OF LAPEER**

**Director Humphries** presented the Partners in Conservation Award to the Flint River Watershed Coalition (Lapeer Committee) and the Rotary Club of Lapeer. She thanked these organizations for collaborating with Fisheries Division on a stream enhancement project on the South Branch Flint River. Over a three-year period, they developed a Strategic Plan, secured 63 landowner permissions, and contributed hundreds of hours repositioning over 100 logjams to restore canoe navigation on a 25-mile reach of the river. She said it is these organizations' efforts that have shown, through partnerships and public stewardship, everyone can work together to achieve the common goal of fostering our state's natural resources.

**PUBLIC APPEARANCES (continued)**

**Jason Dinsmore, MUCC**, requested that the ad hoc committee on crossbows be reestablished but neither supported nor opposed the proposed crossbow permit regulations. He supported the current pending hunting and fishing license fee bills.

**Ellen Nitz, Citizens for a Quiet Community**, asked that the noise from the Island Lake Shooting Range be addressed.

**Jenness Wiegand, Citizens for a Quiet Community**, asked that the noise from the Island Lake Shooting Range be addressed.

**Tom Gonja, Lansing**, supported state forest campground fee increases but questioned why the numbered sites are proposed to increase by 50 percent and the group sites by 100 percent. He recommended increasing the per person rate versus the site type rate.

**Tim Kline, Ted Nugent United Sportsmen and Father of Physically Challenged Daughter**, recommended that the regulations for laser sights on a crossbow require they be mounted. He also mentioned that the process to obtain a modified bow is very rigorous.

**Tim Minne, Flushing**, doesn't believe reducing the disability rate from 80 to 60 percent will make a difference in the number of permits issued, where the 65 or older age limit will. He supports allowing 65 or older to automatically receive crossbow permits with the understanding that it is not mandatory.

**Dean Hall, Royal Oak Archers**, recommended reestablishing the ad hoc committee on crossbows and supports more use of modified bows.

**Jim Larson, Michigan Traditional Bowhunters**, opposes allowing those 65 and older to automatically receiving a crossbow permit and supports the usage of a modified bow. He recommended the process for obtaining a modified bow permit be streamlined and the availability of information on the process to obtain the permit be more accessible.

**John Sullivan, Afton**, participates in all hunting seasons and said that age should not be a discriminating factor. He suggested there may be negative consequences to changes in the regulations.

**Basil Walker, Eaton Rapids**, has bow hunted for 47 years and believes any capable hunter age 65 or older, shouldn't be automatically allowed to hunt with crossbow.

**Jerry Broome, Ovid**, has bow hunted for about 50 years and is supportive of DNR activities. However, he does not think a person reaching 65 automatically deserves to use a crossbow although he hopes those who need a crossbow permit gets one.

**Richard Bauer, Howell**, has bow hunted since 1968 and enjoys time in the woods, as does his family. He believes that hunting is not supposed to be easy and opposes changing the regulations allowing easier access to crossbow permits.

**Ron Koscielski, Michigan Bow Hunters**, opposes individuals over 65 automatically qualifying for a crossbow permit.

**Mel Drummond, Morrice**, is 70 and still shoots a bow. He is supportive of allowing those physically disabled to obtain a crossbow permit, but not just anyone who is over 65.

**Ashley McKellar, Algoma Traditional Archers**, opposes automatically allowing those over 65 to be allowed to hunt with a crossbow during bow season.

**Phil Harrison, Cedar Springs**, opposes the proposed changes to the crossbow regulations.

**Jeffrey DeJager, Cedar Springs**, opposes the proposed changes to the crossbow regulations. He does agree that, if a person is deemed disabled, a crossbow permit should be issued.

**Ron LaCaire, Potterville**, said that bow hunting was not meant to be easy and opposed the proposed changes to the crossbow regulations allowing those 65 and older to automatically obtain a permit.

**George Gardner, Ten Point Crossbow**, supports the proposed changes to the crossbow regulations.

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The Public Appearances portion of the meeting adjourned at 6:12 p.m. and the Regular Meeting convened at 6:13 p.m.

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**APPROVAL OF MINUTES – APRIL 12, 2007 NATURAL RESOURCES COMMISSION MEETING**

Commissioner Earley made a motion, supported by Commissioner Madigan, for approval. Motion unanimously carried.

**2007 FALL WILD TURKEY SEASON DATES AND LICENSE QUOTAS  
WILDLIFE CONSERVATION ORDER, AMENDMENT NO. 8 OF 2007**

Commissioner Madigan made a motion, supported by Commissioner Earley, for approval. Motion unanimously carried.

**CONTROL OF CERTAIN NUISANCE SPECIES  
WILDLIFE CONSERVATION ORDER AMENDMENT NO. 9 OF 2007**

Commissioner Madigan made a motion, supported by Commissioner Earley, for approval. Motion unanimously carried.

**CROSSBOW AND LASER SIGHTING DEVICES  
WILDLIFE CONSERVATION ORDER, AMENDMENT NO. 10 OF 2007**

Commissioner Madigan made a motion, supported by Commissioner Earley, to approve proposed Wildlife Conservation Order, Amendment No. 10 of 2007, for purposes of discussion.

Commissioner Madigan made a motion, supported by Commissioner Earley, to amend proposed Wildlife Conservation Order, Amendment No. 10 of 2007. Commissioner Madigan clarified that the amended motion will only change the current regulations to reflect that a crossbow permit applicant only needs certification from a licensed physical therapist. This would eliminate the requirement for a physician certification.

Commissioner Earley recommended that further review of the regulations be done through an ad hoc committee on crossbows, and suggested that broader educational outreach be executed on modified bows.

Director Humphries stated that the permitting process for modified bows would be streamlined.

Chairman Charters said that he, in no way, wants to deny individuals with disabilities the opportunity to hunt, and asked that the system become “more friendly.” He intends to appoint a small committee to review the entire issue of disabilities and crossbows.

Chairman Charters noted that the authority in the modified bow permitting process lies with the state Legislature. If the public supports the NRC having that authority, he recommended they contact their Legislators.



**Commissioner Brown** recommended that the DNR solicit assistance on this matter from the research students at Saginaw Valley.

**Commissioner Madigan** expressed discomfort with the original Amendment that reduced the disability requirement from 80 percent to 60 percent as he was not sure how to determine these percentages. He asked that standardized regulations be provided as guidance to the physical therapists who issue the permits application approvals or denials.

**The motion to amend Wildlife Conservation Order, Amendment No. 10 of 2007, carried unanimously.**

**The motion to approve Wildlife Conservation Order, Amendment No. 10 of 2007, as amended, carried unanimously.**

#### **DIRECTOR'S ACTION ITEMS**

**Director Humphries** stated her intent to approve all of the Director's Action items except **Sale of Dedicated State-owned Land, Bois Blanc Island, Gaylord Management Unit – Mackinac County, Land Transaction Case #20050267.**

#### **NRC POLICY COMMITTEE ON WILDLIFE AND FISHERIES**

The NRC Policy Committee on Wildlife and Fisheries met at 11:30 a.m. on May 10, 2007 at the Diagnostic Center for Population and Animal Health. Commissioners Madigan and Earley were present for the Committee. Commissioners Brown, Charters, Coleman, Richardson and Wheatlake were also present for the NRC. See attached minutes.

#### **COMMISSIONER REPORTS**

**Chairman Charters** announced that, on June 5, 2007, **Commissioner Mary Brown** will receive the 2007 *Helen and William Milliken Distinguished Service Award*, Michigan's highest environmental honor. This award is for decades of volunteer activities and public service, including 18 years as an environmental leader in the State House of Representatives.

**Chairman Charters** urged everyone present to contact their Legislators to express their opinions on the Hunting and Fishing License Fee Bills now pending in the Legislature.

**Commissioner Madigan** attended a cormorant meeting in Cedarville, Michigan.

The meeting adjourned at 6:40 p.m.

## **NRC POLICY COMMITTEE ON WILDLIFE AND FISHERIES**

**Committee Chairman Madigan** called the meeting to order at 11:30 a.m. Commissioners Earley and Charters were also present for the Committee. Commissioners Brown, Richardson and Wheatlake were also present.

**Gary Whelan, Fisheries Division**, presented information on Viral Hemorrhagic Septicemia (VHS) and how this disease is affecting Michigan. Gary outlined the DNR's control strategy, which is to contain and slow the spread of this disease. This would allow for the protection of key broodstocks and inland waters; preparation for the pathogens arrival; and additional research to be done on susceptibility and transmission. Gary then outlined the recommended fish control order. The order details the following items: The order pertains to a specific group of fish species on the Prohibited Species List. Other species are not affected by the order. Bait regulated under this order will include live, fresh and frozen baitfish and any parts of baitfish including roe (fish eggs) that are on the Prohibited Species List. A certification process for bait sellers would be put in place, which includes an extensive paperwork trail to allow for tracebacks. Certified bait can be sold and used anywhere and there are restrictions on where uncertified bait can be used. It would be necessary for anglers to retain their bait purchase receipt for 7 days on their person and the receipt will inform anglers on where they can use the bait. In a catch and release situation, anglers would be required to release in the same body the fish were caught or connected waters that the fish could move to. Anglers will only be able to use roe (fish eggs) and baitfish on the Prohibited Species List on a hook and this does allow for the use of spawn sacks. Live wells and bilges must be drained immediately upon leaving a water body and live fish can not be moved between waters by anglers. In commercial fishing operations, prohibited species will need to be certified to be transported or sold for stocking. A fish stocking permit would also be required to transport and stock such fish into holding facilities with discharges to Michigan waters to allow for disease testing to occur. Fisheries Division also recommends splitting Michigan into VHS management zones, which will determine how uncertified bait may be used. Thirty-two baitfish species would be on the Prohibited Species List. Fisheries Division is starting to compile an education strategy for both anglers and baitfish operators on this order.

**Tom Goniea, Fisheries Division (FD), and James Harding, Michigan State University**, presented information on the Michigan Commercial Reptile Harvest, especially in relation to turtles. In 2004, the NRC was asked to liberalize the snapping turtle harvest. NRC then asked FD to provide a recommendation on this issue. After the completion of the Wildlife Conservation Strategy, FD began a review of literature, life history of turtles, and available data on the topic. Tom outlined the current regulations associated with recreational and commercial harvest of turtles. Since 1998, there has been an increase in commercial licenses. Tom also discussed snapping turtle biology. Highlights include: taking 12 years for turtle maturity; turtles can live up to 100 years; and turtles have a very low egg survival but very high adult survival. In addition, turtle habitat is being heavily altered due to housing developments. Jim Harding discussed the impact of global trade on US turtle species. Specifically, Asian countries have extirpated many of their native turtles due to the heavy demand and are subsequently looking to North America in order to supply their markets. NRC asked how the DNR estimates turtle populations and Tom explained how difficult it is to estimate turtle populations. He stated that Fisheries Division will be proposing revised regulations

pertaining to commercial turtle harvest. Recommendations will be presented to the NRC in Sept. 2007.

**Bill Moritz, Wildlife Division**, presented recommendations to the NRC on which deer management units should be open or closed in 2007 to antlerless licenses. Bill outlined the different deer input the Division receives before offering yearly deer regulations: public contacts, check station data, vehicle-deer collisions, crop damage reports, preliminary harvest data, and winter severity index. Bill also discussed the chain of command the Division follows for creating and submitting recommendations: Biologists to MU Sups to Field Coordinator/Specialist to Chief to NRC. This year the Division recommended that Manistique and Gwinn be open to Private Land Licenses and Antrim and Charlevoix be closed to Public Land Licenses. All the other counties would remain the same as in 2006.

**Bill Moritz** presented recommendations to change some furbearer regulations. The first was to make use of toothed or serrated traps illegal due to the following: image of trapping related to these items; this is an older design with few in current use; and other tools are available. A housekeeping item was recommended that would change beaver and otter management units to zones. It was recommended that fox and coyote platform hunting be allowed ½ hour prior sunrise to ½ hour after sunset. This type of hunting would improve efficiency for the hunter and increase hunter satisfaction. Another recommendation was to eliminate the requirement to provide a marten carcass at registration. But, a skull or tooth will still be required. Lastly, it was recommended that the Director be allowed to modify trapping season closure dates on selected state game and wildlife areas to address management issues and provide equitable recreation opportunities.

**Alan Marble, Law Enforcement Division**, presented additional information on the proposed changes to the crossbow regulations. A physical therapist was asked to speak to the NRC about the proposed percent change in disability and how clients are evaluated. Currently, an 80 percent disability is needed to qualify for a crossbow; a 60% disability was recommended last month. The therapist believes it is very difficult to determine disability by percentage. He recommended that a standard test be developed by a group of physical therapists. He agreed that the process needed to be simplified. Chief Moritz shared additional information on other State's regulation requirements for crossbows. Alan also talked about the changes that are going to occur with the DNR modified bow permit, which many disabled individuals may be eligible for.

**Bill Moritz** provided an update on double-crested Cormorant management in Michigan. Bill compared the number of nests in 2006 versus 1997. There was a decrease of 4,000 nests. Bill explained background on cormorant biology and why there has been a surge in the bird population. He discussed the partnerships that have been formed to identify and implement control actions on this bird population; specific projects were discussed. Bill outlined the anticipated activities for 2007, which includes finalizing the management strategy with the interagency group and outlining activities (egg oiling, nest destruction, and harassment). Lastly, Bill provided a breakdown on what has been happening with managing this bird regionally.

The meeting adjourned at 2:15 p.m.